(11)

No. 128, Original

In the Supreme Court of the United States

STATE OF ALASKA, PLAINTIFF

v.

UNITED STATES OF AMERICA

ON MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

MEMORANDUM FOR THE UNITED STATES

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On November 24, 1999, the State of Alaska invoked this Court's original jurisdiction to initiate an action against the United States under the Quiet Title Act of 1972, 28 U.S.C. 2409a. Alaska sought leave to file a bill of complaint asserting title to marine submerged lands in the vicinity of the Alexander Archipelago in southeastern Alaska. The United States did not oppose Alaska's motion, and, on June 12, 2000, this Court granted Alaska leave to file its complaint. See *Alaska* v. *United States*, 120 S. Ct. 2681. The United States filed its answer on August 25, 2000, and this Court thereafter referred the matter to a Special Master. See *Alaska* v. *United States*, 121 S. Ct. 337 (2000).

Alaska has since moved for leave to file an amended complaint. The amended complaint would renumber the original three counts and add a new count, now numbered Count II. Count II alleges that Alaska is

entitled to submerged lands within the Alexander Archipelago based on principles for defining juridical bays. See Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606, T.I.A.S. No. 5639. Because Alaska has requested permission to modify its pleading early in the proceedings before the Special Master and does not seek to enlarge the geographic scope of the submerged lands at issue, the United States does not oppose Alaska's motion for leave to file an amended complaint. In the interest of expedition, if the Court grants Alaska's motion, the United States will file an amended answer, and provide copies to the Special Master, within 30 days of the Court's order.

Respectfully submitted.

SETH P. WAXMAN
Solicitor General

DECEMBER 2000